THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14869 of 2007

Dated: 16-07-2007

Between:

Mylapalli Lakshumamma @ Mungalamma and another.

..... PETITIONERS

AND

The Mandal Revenue Officer, Srikakulam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14869 of 2007

ORDER:

The petitioners are sons of Mylapalli Ramudu. It is their case that their father was assigned land admeasuring Acs.4.95 in survey No.64-B situated at Ramachandrapuram Revenue Village, Ranasthalam Mandal, Srikakulam District, who raised casurina tope and also obtained pattadar passbook/title deed. After death of their father in 1999, they succeeded to the property. It appears that the petitioners left the Village to eke out their livelihood. In their absence, respondents 3 to 5 occupied the land. Having come to know about this, the petitioners made a representation on 05.04.2007 under Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) requesting first respondent to evict respondents 3 to 5 and to restore possession to them, in vain. In this writ petition, they seek such an order.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Court is of the considered opinion that having regard to the Andhra Pradesh Act No.8 of 2007, whereunder it appears that under Section 4(2) of the Act, discretion is given to the Mandal Revenue Officer to restore the land or utilize the same for public purpose. Such a direction cannot be granted here. The petitioners may have to avail the remedy by approaching first respondent.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

16th July, 2007

ghn